

62. On the call of three members for the yeas and nays on any question, they shall be taken, and each member, upon his name being called, unless excused by the Senate, shall, without debate, answer "yea" or "nay." Provided, if any member refuse to vote when his name is called he shall be recorded "nay," as if he voted against the measure under consideration.

Read and referred to Committee on Rules.

On motion of Senator Cranford, regular business was suspended, and

Substitute Senate bill No. 133, entitled "An act to amend Article 1333, title 29, chapter 13 of the Revised Civil Statutes of the State of Texas," taken up.

Bill read second time with committee substitute.

Committee substitute adopted.

By Senator Atlee:

Amend section 1 as follows: Strike out in lines 13 and 14 the following: "Without the aid or intervention of the counsel of either party."

Lost.

By Senator Lewis, amend by adding:

Section 2. The near approach of the close of the present session of the Legislature and the large number of bills pending on the calendar, and the improbability of bills being now reached and read on three several days, create an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Adopted.

Bill ordered engrossed.

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

#### YEAS—22.

Agnew,	Jester,
Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Simpson,
Crowley,	Steele,
Douglass,	Tips,
Goss,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—none.

ABSENT—4.

Dean,	Shelburne,
Lawhon,	Swayne.

24—Senate

#### EXCUSED—5.

Boren,	Kearby,
Dickson,	Smith.
Greer,	

Bill read third time and passed by the following vote:

#### YEAS—24.

Agnew,	Jester,
Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Simpson,
Crowley,	Steele,
Dean,	Swayne,
Douglass,	Tips,
Goss,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—none.

ABSENT—2.

Lawhon,	Shelburne.
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#### EXCUSED—5.

Boren,	Kearby,
Dickson,	Smith.
Greer,	

On motion of Senator Jester, Senate adjourned till 10 o'clock Monday morning.

### FIFTY-THIRD DAY.

#### SENATE CHAMBER.

AUSTIN, TEXAS, March 13, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

#### PRESENT—27.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Simpson,
Crowley,	Smith,
Dean,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Hutchison,	Whitaker,
Imboden,	Woods,
Jester,	Yoakum.
Kearby,	

ABSENT—2.

Greer,	Shelburne.
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EXCUSED—4.

Boren,	Dickson.
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The Chair announced that our chap-

lain, Dr. Briggs, being absent attending a funeral.

E. B. Wright, pastor of First Presbyterian Church of Austin, prayed as follows:

Almighty and everlasting God, we thank Thee that we can also call Thee our Father in Heaven. We praise Thee for the Sabbath's rest and for all the loving kindness and tender mercies which crown our days.

May grace, mercy and peace from Thee, the Father, Son and the Holy Ghost rest upon us at this time.

We recognize Thee as the source of light and of wisdom, and we pray Thee to grant all needed wisdom and guidance to these Senators for the discharge of the duties of the day.

May all the laws made under this roof be a reflection of Thine own great law, that the people of this State may lead quiet and peaceable lives. Grant to these Thy servants individually a hope of life everlasting through Jesus Christ the Lord, and their families Thy divine blessing, and after having served Thee faithfully here, may they enter into eternal glory through riches of free grace in Christ Jesus, our Lord. Amen.

Pending the reading of the journal of yesterday,

On motion of Senator Steele, the reading of the same was suspended.

On motion of Senator Lawhon, the journal of Saturday was corrected so as to show that he, voting aye, was paired with Senator Kearby, voting nay, on the passage of the six court bill.

On motion of Senator Dean the journal of Saturday was corrected so as to show that he, voting aye, was paired with Senator Smith, voting nay, on the passage of the above named bill (substitute Senate bills Nos. 29, 36, 82, 126 and 128.)

On motion of Senator Simpson, Senator Shelburne was excused till to-morrow on important business.

Senator Imboden moved that the memorial of Dr. Oscar H. Cooper, presented by Senator Crowley on last Saturday and printed in the journal, be expunged therefrom.

Senator Crowley stated he had no objection to expunging from the record. That Prof. Cooper had no desire to injure the University.

Senator Hutchison moved to substitute:

"That the memorial be expunged from the journal and referred to the Committee on Education."

Senator Imboden accepted the substitute and the same was adopted.

On motion of Senator Imboden, Senator Greer was excused till to-morrow on important business.

#### PETITIONS AND MEMORIALS.

By Senator Dean:

Protest from citizens of El Paso county against the passage of Senate bill No. 243.

The protest was read.

By Senator Goss:

Protest from citizens of Hale county against the passage of the bill for the appropriation of the unappropriated public lands to the school funds.

Read and referred to Committee on Public Lands.

By Senator Goss:

Petition from citizens of Briscoe county asking that the vacant and unappropriated public domain be not appropriated to the free school and asylum funds.

Read and referred to Committee on Public Lands.

#### COMMITTEE REPORTS.

##### COMMITTEE ROOM,

AUSTIN, TEXAS, March 9, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 259, entitled "An act to create a criminal district court for the county of Dallas and to limit and conform thereto the jurisdiction of the district and county courts of said county,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

KEARBY, Chairman.

##### COMMITTEE ROOM,

AUSTIN, TEXAS, March 13, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 197, entitled "An act to regulate the issuance and use of county occupation tax receipts,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

KEARBY, Chairman.

##### COMMITTEE ROOM,

AUSTIN, TEXAS, March 9, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 95, entitled "An act to amend articles 378, 378c, 378d and 378e, chapter 6, title 11 of the Penal Code of the State of Texas, relating to unlawfully selling intoxicating

liquors, and adding article 378f to said chapter."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

KEARBY, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, March 9, 1893.

Hon. M. M. Crane, President of the Senate:  
The minority of your committee to whom was referred

Senate bill No. 197, beg leave to differ from the majority of said committee in recommending that said bill do not pass and recommend that said bill do pass for the following reasons, to-wit: That there are a great many occupations that are required to pay an annual tax to do business in the State of Texas, which taxes are paid to the Comptroller of the State of Texas, and in addition to said State taxes they are required to pay a county tax in each county in this State in which they do business, only this tax is payable to the collector of the county, and there is now no law by which the collectors are forced to use blank receipts furnished them, and it is often the case that they collect said taxes, issue blank receipts for the same and forget about the matter and fail to account to the State and county therefor. This evil should be corrected. Such is the case in life insurance companies, lightning rod companies and agents, sewing machine companies and agents, clock peddlers, cooking stove peddlers, telephone companies, loan agents and fire insurance agents.

With these facts before me, the minority of your committee respectfully submit that said bill should pass.

J. C. BALDWIN, Minority.

COMMITTEE ROOM,  
AUSTIN, TEXAS, March 13, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Rules, to whom was referred the following resolution, to-wit:

*Resolved*, That immediately after the morning call on each day of the session of the Senate the roll of the Senate shall be called, and each Senator as his name is called shall be permitted to call for consideration any bill pending in the Senate, and no one Senator shall call up more than one bill, until the names of all the Senators have been called.

Have had the same under consideration, and instruct me to report it

back to the Senate with the recommendation that it be adopted.

CRANFORD, Acting Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, March 11, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 148, entitled "An act to amend articles 396, 398 and 399 of the Penal Code, and to add article 398a to title 12, chapter 3 of the Penal Code, punishing unlawful practice of medicine and surgery,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

McKINNEY, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, March 11, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on State Affairs to whom was referred

Senate bill No. 144, entitled "An act to be entitled an act to define the kind of money which is a legal tender in the payment of all debts to be paid and that may be collected in the State of Texas and to prevent discrimination in favor of either metal,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

McKINNEY, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, March 11, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 240, entitled "An act to regulate the use, sale, and disposition of waters by irrigation companies incorporated under the laws of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to Committee on Mining and Irrigation.

McKINNEY, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, March 11, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on State Affairs to whom was referred

Senate bill No. 147, entitled "An act to regulate the practice of medicine, to prescribe the qualifications of physicians and surgeons, and to repeal title 73 of the Revised Statutes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommenda-



tion that it *do* pass, with the following amendment:

Strike out all after the word "control" in line 2, down to and including the word "university" in line 5 and insert the following amendment in lieu thereof: "President of the Board of Regents of the State University and Dean of the Faculty of the School of Medicine of the University, the State Health Officer, the presidents of the several State medical associations of the State of Texas."

MCKINNEY, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 13, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 103, being "An act to prescribe the times for holding the terms of the district court in the Thirteenth judicial district,"

And find the same correctly enrolled, and have this day at 11:20 a. m. presented the same to the Governor for his approval.

IMBODEN, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 13, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Finance, to whom was referred

Senate bill No. 76, entitled "An act making an appropriation for the support of the State government for the years beginning February 28, 1893, and ending February 28, 1895, to cover deficiencies and other purposes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying substitute *do* pass in lieu thereof.

SUBSTITUTE.

Substitute Senate bill No. 76, "An act making an appropriation for the support of the State government beginning February 28, 1893, and ending February 28, 1895, to cover deficiencies and for other purposes."

JESTER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 13, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 133, being "An act to amend article 1333, title 29, chapter 13 of the Revised Civil Statutes of the State of Texas,"

And find the same correctly engrossed.

PRESLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 13, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bills Nos. 122 and 220, being "An act to amend sections 27 and 28 of chapter 15, entitled an act to organize the courts of civil appeals; to define their jurisdiction and powers, and to prescribe the mode of procedure therein, passed at the first called session of the Twenty-second Legislature, approved April 13, 1892,"

And find the same correctly engrossed.

PRESLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 13, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 262, being "An act to amend sections 14, 89 and 93 of an act entitled an act to grant a new charter to the city of El Paso, approved March 2, 1889,"

And find the same correctly engrossed.

PRESLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 11, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 231, being "An act to validate the sales of real estate within this State made by foreign executors of wills probated in any of the States of the United States,"

And find the same correctly engrossed.

PRESLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 13, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Rules, to whom was referred

"Resolution to amend rule 62 of the rules of the Senate,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be not adopted.

MCCOMB, Chairman.

Call concluded.

Senator Hutchison moved to suspend regular business and take up

Senate bill No. 138, entitled "An act to amend articles 2165, 2166, 2167 and 2181, and to add article 2181a to chap-

ter 28 of the Revised Civil Statutes of the State of Texas."

Carried.

Bill read second time and committee amendments adopted.

The bill was then ordered engrossed.

The Chair gave notice of signing, and did sign,

Senate bill No. 103, entitled "An act to prescribe the time of holding the terms of district court in the Thirteenth judicial district," after the caption of the same had been read.

#### SPECIAL ORDER.

The Chair laid before the Senate, Senate bill No. 94, entitled "An act to regulate and limit the publication, by authority of the State, of the opinions of the supreme court, the courts of civil appeals and the supreme court of criminal appeals of the State of Texas."

Bill read second time.

By Senator Yoakum:

Amend by striking out the word "supreme" in line 1 of section 3.

Adopted.

By Senator Baldwin:

Amend section 1 by adding after the word "court," in line 10, the following: "And in every case that is reversed by said court shall be published."

Lost.

By Senator Baldwin:

To amend section 2, line 10, by adding after the word "court" the following: "And the opinion in every case that is reversed shall be written and published."

Lost.

By Senator Atlee:

Amend section 4 by adding thereto.

Provided, all opinions, memoranda of decisions of the courts of civil appeals in all the supreme judicial districts, shall be published together in the same series of reports.

Adopted.

By Senator Goss:

Amend section 1 by inserting after the word "State," in line 16, the following:

"Such opinions as said court may in their discretion deem of sufficient importance to require publication, and also."

Adopted.

Senator Lewis moved to postpone further consideration of this bill until next Saturday and make the bill special order for that day.

Senator McComb moved to substitute Wednesday for Saturday.

Lost.

Senator Lewis' motion was then lost.

By Senator Goss:

Amend section 2 by adding thereto the following: "And provided further, that nothing in this act shall be construed to prevent said court from ordering to be published such opinions as said courts may in their discretion deem of sufficient importance to require publication."

Adopted.

By Senator Goss:

Amend section 3 by inserting after the word "authority" in line 13, the following: "Such opinions as said courts may in their discretion deem of sufficient importance to require publication and also."

Adopted by the following vote.

YEAS—16.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Cranford,	Presler,
Crowley,	Simpson,
Dean,	Smith,
Douglass,	Tips,
Goss,	Woods.

NAYS—7.

Browning,	Steele,
Hutchison,	Swayne,
Imboden,	Whitaker,
Jes' er,	Yoakum.
McKinney,	

ABSENT—2.

Bowser,	McComb.
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EXCUSED—4.

Boren,	Greer,
Dickson,	Shelburne.

By Senator Yoakum:

Amend by striking out the word "supreme" where it occurs the second time in the caption.

Adopted.

By Senator Lewis:

Amend section 2 by adding, "provided, that nothing herein contained shall be construed in any way to affect the writing and publishing of opinions of the court of civil appeals in which cases are reversed and remanded."

Adopted.

By Senator Lewis:

Amend by striking out section 3.

Adopted.

By Senator Baldwin:

Amend section 4, line 3, by striking out all after the word "authority" down to and including the word "writing" in said line.

Lost.

Senator Presler moved to reconsider the vote by which the amendment offered by Senator Baldwin, to-wit:

By Senator Baldwin:

Amend section 1 by adding after the word "court," in line 10, the fol-

lowing: "and in every case that is reversed by said court shall be published," was lost.

Reconsidered.

The amendment was then adopted.

Senator Agnew moved the previous question on the engrossment of the bill, which was duly seconded and prevailed.

The bill was then ordered engrossed by the following vote:

YEAS—13.

Bowser,	Presler,
Browning,	Smith.
Douglas,	Swayne.
Imboden,	Steele,
Kearby,	Tips,
McComb,	Whitaker.
McKinney,	

NAYS—12.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Cranford,	Simpson,
Goss,	Woods,
Hutchison,	Yoakum.

ABSENT.—2.

Crowley,	Dean.
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EXCUSED—4.

Boren,	Greer,
Dickson,	Shelburne.

Senator Cranford called up his resolution relating to the amendment of Senate rules as to the order of business.

By Senator Cranford:

Amend by adding the following:

Provided, that no Senator shall be permitted to call for the consideration of any bill on its second reading so long as bills are pending on their third reading.

Provided further, that no rule of the Senate shall be suspended in order to take up for consideration bills on their second reading so long as any bills are pending on their third reading, unless such bill asked to be considered shall be of local or special nature.

Senator Smith moved to postpone further consideration till to-morrow morning after call.

Lost.

By Senator Steele:

Amend the amendment by adding the following:

"Provided, that bills that have been made special orders and the general appropriation bill shall not be affected by this resolution."

Lost.

By Senator Jester:

Amend the amendment by adding: "Provided, the general appropria-

tion bill may be called up at any time, which shall be considered during afternoon sessions until disposed of."

Adopted.

Pending further action, the following bills were introduced:

By Senator Swayne:

A bill to be entitled "An act to amend article 186a of an act to amend article 183 of the Penal Code of the State of Texas, and to amend an act entitled an act to amend article 186 of the Penal Code, approved April, 1883, chapter 2, title 7, and to amend said chapter and title by adding thereto article 186a, approved April 2, 1887, and amending in chapter 110 of the acts of the Twenty-second Legislature, so amend as to allow additional exemptions to the Sunday law."

Read first time and referred to Judiciary Committee No. 2.

By Senator Dean, by request:

A bill to be entitled "An act to amend articles 4370, 4390a, 4427 and 4428 of title 87 of the Revised Statutes of the State of Texas."

Read first time and referred to Committee on Roads and Bridges.

Senator Dean moved to adjourn till 10 o'clock to-morrow.

Lost.

Senator Imboden moved to adjourn to 3 p. m. to-day.

Carried.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—27.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Simpson,
Crowley,	Smith,
Dean,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Woods,
Hutchison,	Whitaker,
Imboden,	Yoakum.
Jester,	

ABSENT—1.

McComb.

EXCUSED—3.

Boren,	Shelburne.
Dickson,	

Action recurred on the amendment offered by Senator Cranford to his resolution amending the Senate rules.

The amendment was adopted.

By Senator Tips:

Amend by adding the following: "Provided, that if the roll call of the Senate is not concluded on any one day, it shall be continued the next following day until the roll call shall have been completed."

Adopted.

The resolution as amended was then adopted.

#### SPECIAL ORDER.

The Chair placed before the Senate, special order,

House bill No. 165, "An act to amend an act passed by the Twenty-first Legislature, approved April 4, 1889, entitled an act to amend an act passed by the Twentieth Legislature, approved April 2, 1887, entitled an act to amend article 430 of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create article 426 1-2, and to repeal article 430, chapter 5, title 13 of the Penal Code of the Revised Statutes, for the protection of fish and game, approved March 15, 1881," on second reading.

By Senator Douglass:

Amend by exempting Hill county from the provisions of articles 423, 424, 427, 428, 429.

Adopted.

By Senator Smith:

Amend by exempting the county of Denton from the provisions of article 430.

Adopted.

By Senator Simpson:

Amend by striking out article 430 and the engrossed rider.

Lost.

By Senator Lawhon:

Amend by adding, "provided, that Wilson county shall be exempted from the operations of article 429."

Adopted.

Senator Smith moved to reconsider the vote by which his amendment was adopted.

Carried.

The amendment was then withdrawn.

The bill was then passed to third reading.

Senator Baldwin moved to suspend regular business and take up Senate bill No. 181, an act entitled "An act to amend articles 423, 424, 425, 426, 427, 428, 429, of the Penal Code of the State of Texas, and the several acts of the Legislature of the State of Texas amendatory thereof."

Senator Steele made the point of order that the motion was out of order, as Senator Cranford's resolution, which has been adopted, precludes the suspension of regular business.

Sustained.

The Chair laid before the Senate,

Senate bill No. 206, entitled "An act to amend article 576, title 20, chapter 3, of the Revised Civil Statutes of the State of Texas," on third reading.

Bill read third time and passed.

The Chair then laid before the Senate

House bill No. 26, entitled "An act to amend articles 747 and 748, chapter 11, title 17, of the Penal Code," on third reading.

Bill read third time.

Senator Crowley moved to postpone further consideration of this bill to some future day.

Lost by the following vote:

YEAS—8.

Agnew,	Goss,
Atlee,	Lewis,
Browning,	Simpson,
Crowley,	Steele.

NAYS—16.

Baldwin.	Lawhon,
Dean,	McKinney,
Douglass,	Presler,
Greer,	Smith,
Hutchison,	Swayne,
Imboden,	Whitaker,
Jester,	Woods,
Kearby,	Yoakum.

ABSENT—3.

Bowser,	Cranford.
McComb,	

EXCUSED—2.

Boren,	Shelburne,
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PAIRED—2.

Aye: Tips; nay: Dickson.

Senator Tips stated that he, voting aye, was paired with Senator Dickson, voting nay.

Senator Crowley moved to lay the bill on the table, subject to call.

Lost.

Bill passed by the following vote:

YEAS—16.

Atlee,	Kearby,
Baldwin,	Lawhon,
Dean,	Lewis,
Douglass,	Smith.
Goss,	Swayne.
Greer,	Whitaker,
Imboden,	Woods,
Jester,	Yoakum.

NAYS—7.

Agnew,	McKinney,
Browning,	Simpson,



Crowley, Steele.  
Hutchison,

ABSENT—2.

Bowser, Cranford.

EXCUSED—2.

Boren, Shelburne.

PAIRED—4.

Aye: McComb, Dickson; nay: Presler, Tips.

Senator Imboden moved to reconsider the vote by which House bill No. 26 passed and to lay that motion on the table.

Carried.

On motion of Senator Presler, regular business was suspended and

Senate bill No. 143, entitled "An act to provide for the payment by new counties of their proportionate share of the indebtedness of the older counties from which they were created," taken up.

Bill read second time and committee substitute adopted.

By Senator Dean:

Amend section 2 to read as follows:

Sec. 2. When any suit has been or shall be brought to enforce payment of the indebtedness contracted by the parent county or counties, or for the pro rata share of the excised territory, the assessment rolls of the parent county or counties for the year in which such new county was created shall be conclusive evidence of the property and value thereof remaining in the parent county and the excised territory at the date of the creation of such new county, provided that when the new county was organized and made, assessment rolls for the same year as that in which it was created, such rolls shall be taken as conclusive evidence of the property therein and the taxable value thereof at the date of the creation of such new county, and the assessment rolls of the parent county for the same year, shall be conclusive evidence of the property and the value thereof remaining in the parent county at the date of the creation of such new county.

Adopted.

By Senator Yoakum:

Amend section 1 by adding thereto the following proviso: "Provided, that the provisions of this bill shall not apply to counties created twelve years before the passage of this act."

By Senator Lewis:

Amend the amendment by striking out "12" and inserting "4" where it appears in the amendment.

By Senator Baldwin:

Substitute the amendment and the amendment to the amendment:

Amend section 1 by striking out the word "heretofore" wherever it appears in this section.

Senator Yoakum withdrew his amendment.

Senator Lewis then withdrew his amendment to the amendment.

Senator Baldwin's amendment was then lost.

By Senator Dean:

Amend by adding to section 2 the following: "Provided that nothing herein shall apply to any county created prior to the year 1880."

Senator Dean moved the previous question on the bill and pending amendment, which was duly seconded and prevailed.

The amendment was lost.

The bill was then ordered engrossed by the following vote:

YEAS—22.

Agnew,	Imboden,
Atlee,	Jester,
Baldwin,	Kearby,
Bowser,	McComb,
Browning,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Yoakum.

NAYS—6.

Hutchison,	Steele,
Lawhon,	Whitaker,
Lewis,	Woods.

ABSENT—2.

Cranford,	McKinney.
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EXCUSED—1.

Boren.

Senator Douglass moved to reconsider the vote engrossing Senate bill No. 143, and to lay that motion on the table.

Carried.

Senator Presler moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put upon its third reading and final passage.

Lost by the following vote, (requiring four-fifths vote):

YEAS—22.

Agnew,	Jester,
Atlee,	Kearby,
Bowser,	McComb,
Browning,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Swayne,



Goss,  
Greer,  
Imboden,

Tips,  
Whitaker,  
Yoakum.

NAYS—6.

Baldwin,  
Hutchison,  
Lawhon,

Lewis,  
Steele,  
Woods.

ABSENT—2.

Cranford,

McKinney.

EXCUSED—1.

Boren.

The Chair laid before the Senate,  
House bill No. 14, "An act to amend  
article 1263 of the Revised Civil Stat-  
utes."

Bill read second time and committee  
amendments adopted.

Bill passed to third reading.

On motion of Senator Agnew, the  
constitutional rule requiring bills to  
be read on three several days was sus-  
pended and the bill put upon its third  
reading and final passage by the fol-  
lowing vote:

YEAS—27.

Agnew,  
Atlee,  
Baldwin,  
Bowser,  
Browning,  
Crowley,  
Dickson,  
Douglass,  
Goss,  
Greer,  
Imboden,  
Jester,  
Kearby,  
Lawhon.

Lewis,  
McComb,  
McKinney,  
Presler,  
Shelburne,  
Simpson,  
Smith,  
Steele,  
Swayne,  
Tips,  
Whitaker,  
Woods,  
Yoakum.

NAYS—none.

ABSENT—3.

Cranford,  
Dean,

Hutchison.

EXCUSED—1.

Boren.

Bill read third time.

Senator Yoakum moved to adjourn  
till to-morrow morning at 10 o'clock.

Lost by the following vote:

YEAS—7.

Bowser,  
Crowley,  
Dean,  
Greer,

Hutchison,  
McKinney,  
Shelburne.

NAYS—22.

Agnew,  
Atlee,  
Baldwin,  
Browning,  
Dickson,  
Douglass,  
Goss,  
Imboden,

Lewis,  
McComb,  
Presler,  
Simpson,  
Smith,  
Steele,  
Swayne,  
Tips,

Jester,  
Kearby,  
Lawhon,

Whitaker,  
Woods,  
Yoakum.

ABSENT—1.

Cranford.

EXCUSED—1.

Boren.

By Senator Hutchison:

Amend section 1 by striking out the  
words "and before the call of the ap-  
pearance docket on said second day,"  
in line 9, as now amended by the com-  
mittee amendment.

Senator Baldwin moved the pre-  
vious question on the bill and amend-  
ment, which was not seconded.

The amendment was lost by the fol-  
lowing vote:

YEAS—11.

Bowser,  
Crowley,  
Dickson,  
Hutchison,  
Kearby,  
McComb,

Presler,  
Shelburne,  
Smith,  
Swayne,  
Tips.

NAYS—16.

Agnew,  
Atlee,  
Baldwin,  
Browning,  
Goss,  
Greer,  
Imboden,  
Jester,

Lawhon,  
Lewis,  
McKinney,  
Simpson,  
Steele,  
Whitaker,  
Woods,  
Yoakum.

ABSENT—3.

Cranford,  
Dean,

Douglass.

EXCUSED—1.

Boren.

The bill then passed by the follow-  
ing vote:

YEAS—23.

Agnew,  
Atlee,  
Baldwin,  
Bowser,  
Browning,  
Crowley,  
Dean,  
Dickson,  
Douglass,  
Goss,  
Imboden,  
Jester,

Lawhon,  
Lewis,  
McComb,  
McKinney,  
Presler,  
Simpson,  
Steele,  
Tips,  
Whitaker,  
Woods,  
Yoakum.

NAYS—5.

Hutchison,  
Kearby,  
Shelburne,

Smith,  
Swayne.

ABSENT—2.

Cranford,

Greer.

EXCUSED—1.

Boren.

Senator Swayne moved to suspend regular business and take up Senate bill No. 241.

(No quorum voting.)

Senator Baldwin moved to adjourn till to-morrow morning at 10 o'clock.

Lost by the following vote:

YEAS—10.

Agnew,	Lewis,
Atlee,	McKinney,
Baldwin,	Steele,
Goss,	Tips,
Greer,	Whitaker.

NAYS—19.

Bowser,	Lawhon,
Browning,	McComb,
Crowley,	Presler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Smith,
Hutchison,	Swayne,
Imboden,	Woods,
Jester,	Yoakum.
Kearby,	

ABSENT—1.

Cranford.

EXCUSED—1.

Boren.

Regular business was then suspended and the Chair laid before the Senate,

Senate bill No. 241, entitled "An act to extend the time within which lands that have been sold for taxes and bought in by the State, cities and towns, may be redeemed."

Bill read second time.

Senator Baldwin moved to adjourn to 10 a. m. to-morrow.

Lost.

By Senator Swayne:

Amend by striking out all the words after and including the word "provided" in emergency clause and inserting the same at the end of section one.

Adopted.

The bill was then ordered engrossed.

On motion of Senator Swayne, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

YEAS—26.

Agnew,	Lewis,
Atlee,	McComb,
Browning,	McKinney,
Crowley,	Presler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Hutchison,	Swayne,
Imboden,	Tips,

Jester,	Whitaker,
Kearby,	Woods,
Lawhon,	Yoakum.

NAYS—1

Baldwin.

ABSENT—3.

Bowser,  
Cranford,

Greer.

EXCUSED—1.

Boren.

Bill read third time and passed by the following vote:

YEAS—28.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Hutchison,	Tips,
Imboden,	Whitaker,
Jester,	Woods,
Kearby,	Yoakum.

NAYS—none.

ABSENT—2.

Cranford,

Greer.

EXCUSED—1.

Boren.

On motion of Senator Smith, Senate adjourned till to-morrow morning 10 o'clock.

#### FIFTY-FOURTH DAY.

SENATE CHAMBER,

AUSTIN, TEXAS, March 14, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—30.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,